

DOCKET NO.: CHIR-0160  
356.001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Vincenzo Scarlato, Vega Massignani,  
Rino Rappuoli, Mariagrazia Pizza, and  
Guido Grandi

**Serial No.: 09/303,518**

**Group Art Unit: 1631**


**Filing Date: April 30, 1999**

**Examiner: S. Joe Zhou**

**For: NEISSERIAL ANTIGENS**

DATE OF DEPOSIT: August 22, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID  
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TO BOX SEQUENCE, ASSISTANT COMMISSIONER FOR  
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Mark J. Rosen  
REGISTRATION NO.: 39,822

**BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington DC 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated May 31, 2001,  
and the subsequent Examiners' Communications dated June 29, 2001 and August 8, 2001, to  
which the response date has been extended to August 29, 2001, enclosed herewith is:

- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821  
through 1.825;
- ☐ Substitute pages of the Sequence Listing;

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356.001

- 2 -

PATENT

- ☒ Substitute copy of the computer readable form of amended Sequence Listing;
- ☒ Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures and Examiners' Communications of June 29, 2001 and August 28, 2001;
- ☒ Petition for Extension of Time;
- ☒ Other: Response to Office Communication

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: 8.22.2001



Mark J. Rosen  
Registration No. 39,822

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Washington, D.C. 20231

APPLICATION CONTROL NO.	INVENTOR'S NAME	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/303,518	Janet Griffin	04/30/99	SCARLATO	V CHIR-0160

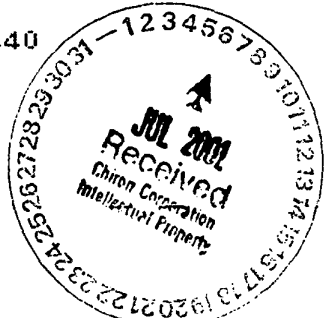
027476  
CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
P.O. BOX 8097  
EMERYVILLE CA 94662-8097

HZ12/0629

EXAMINER	
ZHOU, S	
ART UNIT	PAPER
1631	14

DATE MAILED: 06/29/01

RECEIVED  
JUL 20 2001  
DOCKET DEPT.  
WWWKMN



RECEIVED  
JUL 26 2001  
Janet Griffin  
WWWKMN

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED on/by 7/6/01 on  
Atty. AMM PA  
File # PP00356.01  
Due Date 7/29/01 Ext SL5  
Final Date 12/29/01 SLB

JUL 27 2001

Woodcock Washington  
Commissioner of Patents and Trademarks  
Mackiewicz  
9/26/00 submission not complete

The communication in Paper # 12, filed on 10/12/2000, is non-responsive to the prior office action, mailed 9/5/2000, because of the following reason:

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a) (2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because the computer readable form of the Sequence Listing provided in Paper # 12 is defective. Please see the attached Raw Sequence Listing Error Report. Failure to respond to this requirement may result in abandonment of the instant application.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

Please note that the Office communication concerning this application in Paper # 13, mailed 5/31/01 is hereby vacated because it was sent by an inadvertent error.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CMI Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Shubo "Joe" Zhou, Ph.D., whose telephone number is (703) 605-1158. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst Tina Plunkett whose telephone number is 703-305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

S. "Joe" Zhou, Ph.D.

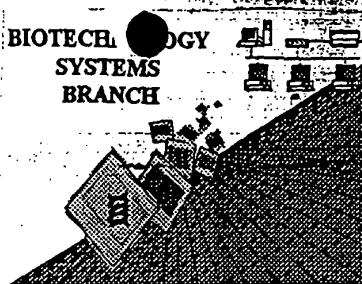
ATTACHMENT: RAW SEQUENCE LISTING ERROR REPORT

JOHN S. BRUSCA, PH.D.  
PRIMARY EXAMINER

*John S. Brusca*

## RAW SEQUENCE LISTING ERROR REPORT

BIOTECHNOLOGY  
SYSTEMS  
BRANCH



OCT 25 2000

TECH CENTER 1600/296

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/303,578A

Source: 1631

Date Processed by STIC: 10/12/2000

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin30help@uspto.gov](mailto:patin30help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

### Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

## Raw Sequence Listing Error Summary

OCT 25 2000

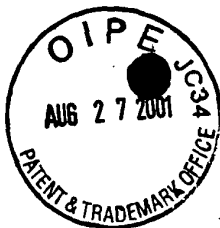
## ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER:

09/300/5187/600/2900

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1        Wrapped Nucleics      The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2        Wrapped Aminos      The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3        Incorrect Line Length      The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4        Misaligned Amino Acid      The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs  
Numbering      between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5        Non-ASCII      This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6        Variable Length      Sequence(s)        contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and  
indicate in the (ix) feature section that some may be missing.
- 7        PatentIn ver. 2.0 "bug"      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid  
sequence(s)       . Normally, PatentIn would automatically generate this section from the  
previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section  
to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223>  
sections for Artificial or Unknown sequences.
- 8        Skipped Sequences      Sequence(s)        missing. If intentional, please use the following format for each skipped sequence:  
(OLD RULES)      (2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9        Skipped Sequences      Sequence(s)        missing. If intentional, please use the following format for each skipped sequence.  
(NEW RULES)      <210> sequence id number  
                         <400> sequence id number  
                         000
- 10        Use of n's or Xaa's      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
(NEW RULES)      Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11        Use of <213>Organism      Sequence(s)        are missing this mandatory field or its response.  
(NEW RULES)
- 12        Use of <220>Feature      Sequence(s)        are missing the <220>Feature and associated headings.  
(NEW RULES)      Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13        PatentIn ver. 2.0 "bug"      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted  
file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.



RECEIVED Page 1 of 10 #72

AUG 30 2001

10-27-01  
P

TECH CENTER 1600/2900 1631

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:08

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

3 <110> APPLICANT: Scarlato, Enzo  
4 Masignani, Vega  
5 Rappuoli, Rino  
6 Pizza, Mariagrazia  
7 Grandi, Guido  
9 <120> TITLE OF INVENTION: Neisserial Antigens  
11 <130> FILE REFERENCE: CHIR0160  
13 <140> CURRENT APPLICATION NUMBER: 09/303,518A  
14 <141> CURRENT FILING DATE: 1999-04-30  
16 <150> PRIOR APPLICATION NUMBER: PCT/IB98/01665  
17 <151> PRIOR FILING DATE: 1998-10-09  
19 <160> NUMBER OF SEQ ID NOS: 1098  
21 <170> SOFTWARE: PatentIn Ver. 2.1  
23 <210> SEQ ID NO: 1  
24 <211> LENGTH: 506  
25 <212> TYPE: DNA  
26 <213> ORGANISM: Neisseria meningitidis  
28 <220> FEATURE:  
29 <221> NAME/KEY: unsure  
30 <222> LOCATION: (18)  
31 <223> OTHER INFORMATION: N=Unknown  
33 <220> FEATURE:  
34 <221> NAME/KEY: unsure  
35 <222> LOCATION: (67)  
36 <223> OTHER INFORMATION: N=Unknown  
38 <220> FEATURE:  
39 <221> NAME/KEY: unsure  
40 <222> LOCATION: (102)  
41 <223> OTHER INFORMATION: N=Unknown  
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50 <222> LOCATION: (276)  
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54 <221> NAME/KEY: unsure  
55 <222> LOCATION: (487)  
56 <223> OTHER INFORMATION: N=Unknown  
58 <400> SEQUENCE: 1

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W-→ 60 gtgtggncgg atgacgtatc ggattttcgg gaaaacttgc angcggcagc acagggaaat 120  
W-→ 61 gcagcagccc aatacaattt gggcgcaatg tatntacaaa ggacgcgcgt gcgcccggat 180  
62 gatgctgaag cggtcagatg gtatcggcag ccggcggaac aggggttagc ccaagcccaa 240  
63 tacaatttgg gctggatgta tgccaacggg cgcgcngtgc gcccaagatga taccgaagcg 300

Does Not Comply  
Corrected Diskette Needed

P.6

RAW SEQUENCE LISTING      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A      TIME: 15:29:08

Input Set : N:\jumbos\09303518  
 Output Set: N:\CRF3\10122000\I303518A.raw

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65 gtgatatatg ccgaaggacg tggagtgcgc caagacgatg tcgaagcggc cagatgggtt 420
66 cggcaggcgg cagcgcaggg ggtagcccaa gcccaaaaca atttgggcgt gatgtatgcc 480
W--> 67 gaaagancgc gctgcccga agaccg 506
70 <210> SEQ ID NO: 2
71 <211> LENGTH: 168
72 <212> TYPE: PRT
73 <213> ORGANISM: Neisseria meningitidis
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76 <221> NAME/KEY: UNSURE
77 <222> LOCATION: (6)
78 <223> OTHER INFORMATION: X= any amino acid
80 <220> FEATURE:
81 <221> NAME/KEY: UNSURE
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83 <223> OTHER INFORMATION: X= any amino acid
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86 <221> NAME/KEY: UNSURE
87 <222> LOCATION: (34)
88 <223> OTHER INFORMATION: X= any amino acid
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93 <223> OTHER INFORMATION: X= any amino acid
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97 <222> LOCATION: (92)
98 <223> OTHER INFORMATION: X= any amino acid
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101 <221> NAME/KEY: UNSURE
102 <222> LOCATION: (163)
103 <223> OTHER INFORMATION: X = any amino acid
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110 20 25 30
W--> 112 Leu Xaa Ala Ala Gln Gly Asn Ala Ala Ala Gln Tyr Asn Leu Gly
113 35 40 45
W--> 115 Ala Met Tyr Xaa Gln Arg Thr Arg Val Arg Arg Asp Asp Ala Glu Ala
116 50 55 60
118 Val Arg Trp Tyr Arg Gln Pro Ala Glu Gln Gly Leu Ala Gln Ala Gln
119 65 70 75 80
W--> 121 Tyr Asn Leu Gly Trp Met Tyr Ala Asn Gly Arg Xaa Val Arg Gln Asp
122 85 90 95
124 Asp Thr Glu Ala Val Arg Trp Tyr Arg Gln Ala Ala Ala Gln Gly Val
125 100 105 110
127 Val Gln Ala Gln Tyr Asn Leu Gly Val Ile Tyr Ala Glu Gly Arg Gly
128 115 120 125

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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A        TIME: 15:29:08

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 Output Set: N:\CRF3\10122000\I303518A.raw

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133 Ala Gln Gly Val Ala Gln Ala Gln Asn Asn Leu Gly Val Met Tyr Ala
134 145      /      150      155      160
W--> 136 Glu Arg Xaa Arg Val Arg Gln Asp
137      165
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143 <213> ORGANISM: Neisseria meningitidis
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147 gtgtgggcgg atgacgtatc ggattttcgg gaaaacttgc aggcggcagc acagggaaat 120
148 gcagcagccc aatacaattt gggcgcaatg tattacaaag gacgcggcgt gcgcccggat 180
149 gatgctgaag cggtcagatg gtatcggcag gcggcggaac aggggttagc ccaagcccaa 240
150 tacaatttgg gctggatgta tgccaacggg cgcggcgtgc gccaatga taccgaagcg 300
151 gtcagatggt atcggcagcg ggcagcgagc ggggttgtcc aagcccaata caatttgggc 360
152 gtgatatatg ccgaaggacg tggagtgcgc caagacgatg tcgaagcggc cagatgggtt 420
153 cggcagcgcg cagcgcaggg ggtagcccaa gcccaaaaca atttggcgt gatgtatgcc 480
154 gaaagacgcg gctgcgcca agaccgcgcc cttgcacaag aatggtttgg caaggcttgt 540
155 caaacgggag accaagacgg ctgcgacaat gaccaacgcc tgaaggcggg ttattga 597
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159 <211> LENGTH: 198
160 <212> TYPE: PRT
161 <213> ORGANISM: Neisseria meningitidis
163 <400> SEQUENCE: 4
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167 Leu Asn Arg Ala Val Trp Ala Asp Asp Val Ser Asp Phe Arg Glu Asn
168      20      25      30
170 Leu Gln Ala Ala Ala Gln Gly Asn Ala Ala Ala Gln Tyr Asn Leu Gly
171      35      40      45
173 Ala Met Tyr Tyr Lys Gly Arg Gly Val Arg Arg Asp Ala Glu Ala
174      50      55      60
176 Val Arg Trp Tyr Arg Gln Ala Ala Glu Gln Gly Leu Ala Gln Ala Gln
177      65      70      75      80
179 Tyr Asn Leu Gly Trp Met Tyr Ala Asn Gly Arg Gly Val Arg Gln Asp
180      85      90      95
182 Asp Thr Glu Ala Val Arg Trp Tyr Arg Gln Ala Ala Ala Gln Gly Val
183      100      105      110
185 Val Gln Ala Gln Tyr Asn Leu Gly Val Ile Tyr Ala Glu Gly Arg Gly
186      115      120      125
188 Val Arg Gln Asp Asp Val Glu Ala Val Arg Trp Phe Arg Gln Ala Ala
189      130      135      140
191 Ala Gln Gly Val Ala Gln Ala Gln Asn Asn Leu Gly Val Met Tyr Ala
192 145      150      155      160
194 Glu Arg Arg Gly Val Arg Gln Asp Arg Ala Leu Ala Gln Glu Trp Phe
195      165      170      175
197 Gly Lys Ala Cys Gln Asn Gly Asp Gln Asp Gly Cys Asp Asn Asp Gln

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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A              TIME: 15:29:08

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 Output Set: N:\CRF3\10122000\I303518A.raw

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205 <211> LENGTH: 273
206 <212> TYPE: DNA
207 <213> ORGANISM: Neisseria meningitidis
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211 gtgtgggcgg atgacgtatc ggattttcgg gaaaacttgc aggcggcagc acagggaat 120
212 gcagcagccc aaacaattt gggcgtgatg tatgccgaaa gacgcggcgt gcgccaagac 180
213 cgcgcccttg cacaagaatg gcttggcaag gcttgtcaaa acggatacca agacagctgc 240
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219 <212> TYPE: PRT
220 <213> ORGANISM: Neisseria meningitidis
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224 1 5 10 15
226 Leu Asn Gln Ala Val Trp Ala Asp Asp Val Ser Asp Phe Arg Glu Asn
227 20 25 30
229 Leu Gln Ala Ala Gln Gly Asn Ala Ala Ala Gln Asn Asn Leu Gly
230 35 40 45
232 Val Met Tyr Ala Glu Arg Arg Gly Val Arg Gln Asp Arg Ala Leu Ala
233 50 55 60
235 Gln Glu Trp Leu Gly Lys Ala Cys Gln Asn Gly Tyr Gln Asp Ser Cys
236 65 70 75 80
238 Asp Asn Asp Gln Arg Leu Lys Ala Gly Tyr
239 85 90
242 <210> SEQ ID NO: 7
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244 <212> TYPE: DNA
245 <213> ORGANISM: Neisseria gonorrhoeae
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249 gtgtgggcgg gtgacgtatc ggattttcgg gaaaacttgc aggcggcaga acagggaat 120
250 gcagcagccc aattcaattt gggcgtgatg tatgaaaatg gacaaggagt tcgtcaagat 180
251 tatgtacagg cagtgcagtg gtatcgcaag gcttcagaac aaggggatgc ccaagcccaa 240
252 tacaatttgg gcttgcgtga ttacgatgga cgcggcgtgc gccaaagcct tgcctcgtc 300
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257 <210> SEQ ID NO: 8
258 <211> LENGTH: 126
259 <212> TYPE: PRT
260 <213> ORGANISM: Neisseria meningitidis
262 <400> SEQUENCE: 8
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264 1 5 10 15

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RAW SEQUENCE LISTING                      DATE: 10/12/2000  
 PATENT APPLICATION: US/09/303,518A        TIME: 15:29:08

Input Set : N:\jumbos\09303518  
 Output Set: N:\CRF3\10122000\I303518A.raw

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266 Leu Asn Gln Ala Val Trp Ala Gly Asp Val Ser Asp Phe Arg Glu Asn
267      20      25      30
269 Leu Gln Ala Ala Glu Gln Gly Asn Ala Ala Ala Gln Phe Asn Leu Gly
270      35      40      45
272 Val Met Tyr Glu Asn Gly Gln Gly Val Arg Gln Asp Tyr Val Gln Ala
273      50      55      60
275 Val Gln Trp Tyr Arg Lys Ala Ser Glu Gln Gly Asp Ala Gln Ala Gln
276      65      70      75      80
278 Tyr Asn Leu Gly Leu Met Tyr Tyr Asp Gly Arg Gly Val Arg Gln Asp
279      85      90      95
281 Leu Ala Leu Ala Gln Gln Trp Leu Gly Lys Ala Cys Gln Asn Gly Asp
282      100     105     110
284 Gln Asn Ser Cys Asp Asn Asp Gln Arg Leu Lys Ala Gly Tyr
285      115     120     125
288 <210> SEQ ID NO: 9
289 <211> LENGTH: 357
290 <212> TYPE: DNA
291 <213> ORGANISM: Neisseria meningitidis
293 <400> SEQUENCE: 9
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296 ttggacggca agtatcagtt cagcagcgac gtttccgcgc aaatcctgac ttcsggactt 180
297 ttggcgagc agtacatcgg gctgcagcag ggcggcgaca cggaacact tgctgccggc 240
298 gacaccatct ccgtaaccag ttctgcaatg gttctggaaa accttatcgg caaatcatg 300
299 acgagttttg ccgagaaaaa tgccgacggc ggcaatgcgg aaaaagccgc cgaataa 357
302 <210> SEQ ID NO: 10
303 <211> LENGTH: 118
304 <212> TYPE: PRT
305 <213> ORGANISM: Neisseria meningitidis
307 <400> SEQUENCE: 10
308 Phe Gly Asp Ile Gly Gly Leu Lys Val Asn Ala Pro Val Lys Ser Ala
309      1      5      10      15
311 Gly Val Leu Val Gly Arg Val Gly Ala Ile Gly Leu Asp Pro Lys Ser
312      20      25      30
314 Tyr Gln Ala Arg Val Arg Leu Asp Leu Asp Gly Lys Tyr Gln Phe Ser
315      35      40      45
317 Ser Asp Val Ser Ala Gln Ile Leu Thr Ser Gly Leu Leu Gly Glu Gln
318      50      55      60
320 Tyr Ile Gly Leu Gln Gln Gly Gly Asp Thr Glu Asn Leu Ala Ala Gly
321      65      70      75      80
323 Asp Thr Ile Ser Val Thr Ser Ser Ala Met Val Leu Glu Asn Leu Ile
324      85      90      95
326 Gly Lys Phe Met Thr Ser Phe Ala Glu Lys Asn Ala Asp Gly Gly Asn
327      100     105     110
329 Ala Glu Lys Ala Ala Glu
330      115
333 <210> SEQ ID NO: 11
334 <211> LENGTH: 859
335 <212> TYPE: DNA

```

<210> 23  
<211> 903  
<212> DNA  
<213> Neisseria meningitidis

<400> 23  
atggacggcg cacaaccgaa aacaaatddd tt<sup>h</sup>naacgcc tgattgcccg actcgcccgc 60  
gaaccgcgatt cgcgcgaaga cgtattgacc ctg<sup>t</sup>ttgcgcc aagcgcacga acaggaagta 120  
tttgatgcgg atacgctddd aagattggaa aaagtccctcg atttttctga tttggaagt 180  
cgcgacgcga tgattacgcg cagccgtatg aacgttttaa aagaaaacga cagcatcgaa 240  
cgcctaccgc cctacgttat cgataccgcc cattcgcgct tccccgtcat cgg<sup>t</sup>gaagac 300  
aaagacgaag ttttgggtat tttgcacgcc aaagacctgc tcaaatatat gttcaacccc 360  
gagcagttcc acctcaaate gatattgcgc cctgcccgtct t<sup>c</sup>gtccccga aggcaaatec 420  
ctgaccgccc ttttaaaga gttccgcgaa cagcgcaacc atatggcaat cgtcatcgac 480  
gaatacggcg gcacgtcggg tttgtaact tttgaagaca tcatcgagca aatcgtcggc 540  
gacatcgaag atgagtttga cgaagacgaa agcgcggaca acatccaacgc cgtttccgcc 600  
gaacgctggc gcattccacgc ggctaccgaa atcgaagaca tcaacgcctt tttcggcacg 660  
gaatacagca gcgaagaagc cgacaccatc ggcggc<sup>nt</sup>g gtcattcagg aattg<sup>na</sup>ca 720  
cctgcccgtg cgcggcgaaa aagt<sup>tt</sup>at cggcg<sup>nt</sup>tg ca<sup>tt</sup>tcad<sup>ng</sup> t<sup>c</sup>gc<sup>nt</sup>gcgc 780  
<sup>n</sup>pacaaccgc cgcctgcata cgtgatggc gacc<sup>cg</sup>ctg aagtaagtc cgc<sup>cg</sup>tttct 840  
gtacagttda ggatgacggt acgggcg<sup>tt</sup>t tctgtttcaa tccgccccat ccgcca<sup>na</sup>ca 900  
taa 903

see  
item 10  
on Enov  
summary  
sheet

FYI

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

## VERIFICATION SUMMARY

DATE: 10/12/2000

PATENT APPLICATION: US/09/303,518A

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:59 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:60 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:61 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:63 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:67 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1  
L:106 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:109 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:112 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:115 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:121 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:136 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2  
L:352 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11  
L:389 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12  
L:407 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12  
L:793 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19  
L:796 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19  
L:822 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:831 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:834 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20  
L:931 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:931 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:931 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:942 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
M:340 Repeated in SeqNo=23  
L:943 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:943 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:944 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:23  
L:945 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23  
L:955 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:955 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:955 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24

## VERIFICATION SUMMARY

DATE: 10/12/2000

PATENT APPLICATION: US/09/303,518A

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:997 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:997 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
M:340 Repeated in SeqNo=24  
L:1000 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1000 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1003 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:24  
L:1009 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:24  
L:1024 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25  
L:1224 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:30  
L:1224 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:30  
L:1224 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:30  
L:1230 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:30  
M:340 Repeated in SeqNo=30  
L:1441 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:35  
L:1812 M:258 W: Mandatory Feature missing, <220> not found for SEQ ID#:43  
L:1812 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:43  
L:1812 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:43  
M:340 Repeated in SeqNo=43  
L:1860 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:44  
M:340 Repeated in SeqNo=44  
L:1977 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:45  
L:2270 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:50  
L:2437 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:53  
M:340 Repeated in SeqNo=53  
L:2473 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:54  
M:340 Repeated in SeqNo=54  
L:2590 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:55  
L:2812 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2814 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2815 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2816 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:59  
L:2833 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:60  
M:340 Repeated in SeqNo=60  
L:2858 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:61  
M:340 Repeated in SeqNo=61  
L:2879 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:62

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

M:340 Repeated in SeqNo=62  
 L:3012 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:67  
 L:3022 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:68  
 M:340 Repeated in SeqNo=68  
 L:3205 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:73  
 L:3325 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:77  
 L:3347 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:78  
 M:340 Repeated in SeqNo=78  
 L:3688 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:85  
 L:3696 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:85  
 L:3718 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:86  
 L:3769 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:87  
 L:3824 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:88  
 L:3922 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:91  
 L:4185 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:99  
 M:340 Repeated in SeqNo=99  
 L:4219 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:100  
 M:340 Repeated in SeqNo=100  
 L:4319 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
 L:4321 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
 L:4323 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
 L:4324 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:103  
 L:4342 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:104  
 M:340 Repeated in SeqNo=104  
 L:4738 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:109  
 L:5035 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
 L:5040 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
 L:5053 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
 L:5054 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:113  
 L:5075 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:114  
 M:340 Repeated in SeqNo=114  
 L:5312 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:117  
 L:5388 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:118  
 L:5442 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:119  
 L:5716 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:124  
 L:5862 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:127  
 M:340 Repeated in SeqNo=127  
 L:5897 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:128  
 M:340 Repeated in SeqNo=128  
 L:5987 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:129  
 L:6193 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:133  
 L:6218 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:134  
 M:340 Repeated in SeqNo=134  
 L:6711 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:141  
 M:340 Repeated in SeqNo=141  
 L:6728 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:142  
 M:340 Repeated in SeqNo=142  
 L:6822 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:144  
 L:6880 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:145

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/303,518A

DATE: 10/12/2000

TIME: 15:29:09

Input Set : N:\jumbos\09303518

Output Set: N:\CRF3\10122000\I303518A.raw

L:6978 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6982 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6983 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:147  
L:6996 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:148



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/303,518	04/30/99	SCARLATO	V CHIR-0160

027476  
CHIRON CORPORATION  
INTELLECTUAL PROPERTY - R440  
P.O. BOX 8097  
EMERYVILLE CA 94662-8097

HM12/0808

## EXAMINER

ZHOU, S

ART UNIT

PAPER

1631

17

08/08/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents and Trademarks

The communication in Paper # 16, filed on 7/30/01, is non-responsive to the prior Office action, send by facsimile on 6/26/01, because of the following reason:

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because the computer readable form of the Sequence Listing is again defective. See the attached CRF Problem Report for details. Failure to respond to this requirement may result in abandonment of the instant application.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Shubo "Joe" Zhou, Ph.D., whose telephone number is (703) 605-1158. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst Tina Plunkett whose telephone number is (703)-305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

S. "Joe" Zhou, Ph.D.  
Patent Examiner

ATTACHMENT: CRF Problem Report

PTO-90C (Rev.3-98)

ARDIN H. MARSCHEL  
PRIMARY EXAMINER

DOCKETED on/by 8/13/01  
PA  
PP00356.001  
8/29/01  
SL4





## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/303,518B

Filing Date: 4/30/1999

Date Processed by STIC: 8/6/2001

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)

☐ Blank (no files on CRF) (see attached)

☐ Empty file (filename present, but no bytes in file) (see attached)

☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.

☐ Not saved in ASCII text

☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.

☐ Did not contain a Sequence Listing. (see attached sample)

☐ Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.0 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR DETAILS:**

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:  
<http://www.uspto.gov/web/offices/pac/checker>

09/303,518B

A:\>DIR

Volume in drive A has no label  
Directory of A:\

CHIR01-1 TXT 1,049,764 07-26-01 11:53a CHIR0160.ST25.1of2.txt  
1 file(s) 1,049,764 bytes  
0 dir(s) 407,552 bytes free

A:\>TYPE CHIR01-1.TXT|MORE

Read fault error reading drive A  
Abort, Retry, Fail?F  
Fail on INT 24 - CHIR01-1.TXT

on screen message when STTC PC

tried to read  
submitted disk file